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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/718,020 | 11/19/2003 | Barbara A. Rapchak | 1985-89194 | 8821 |
| 24628 | 7590 | 06/30/2005 | EXAMINER | |
| WELSH & KATZ, LTD 120 S RIVERSIDE PLAZA 22ND FLOOR CHICAGO, IL 60606 | | | | LA, ANH V |
| ART UNIT | | PAPER NUMBER | | |
| 2636 | | | | |

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) |
|------------------------------|------------------------|---------------------|
| | 10/718,020 | RAPCHAK |
| | Examiner | Art Unit |
| | Anh V. La | 2636 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on _____.
2a) This action is **FINAL**. 2b) This action is non-final.
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-39 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) Claim(s) _____ is/are allowed.
6) Claim(s) 1-39 is/are rejected.
7) Claim(s) _____ is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless.—

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-23, 28-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Yarin.

Regarding claims 1, 23, 28, Yarin discloses a method of ensuring compliance by a user with a medication program comprising the steps of providing the user with a medication dispensing unit 12 having a wireless transceiver and a controller 40, downloading a first set of instructions and downloading a second set instructions (column 9, lines 5-20).

Regarding claims 2, 29, Yarin discloses a remotely located server (figure 1).

Regarding claims 3, 30, Yarin discloses verbally presenting the instruction through an electro-acoustic transducer (col. 8, lines 35-50).

Regarding claim 4, 31, Yarin discloses a display (col. 8, lines 35-50).

Regarding claim 5, Yarin discloses determining a time to dispense the medication (fig. 7, 14).

Regarding claims 6, 32, 33, Yarin discloses determining a time to dispense the medication (fig. 7, 14).

Regarding claim 7, Yarin discloses a plurality of medication dispensing events and a schedule of mediation events (fig. 3).

Regarding claims 8, 34, 35, Yarin discloses a mediation notification alert (col. 8, lines 35-40).

Regarding claims 9, 36, Yarin discloses an audible alert (col. 8, lines 35-40).

Regarding claims 10, 37, Yarin discloses a visual alert (col. 8, lines 35-40).

Regarding claim 11, Yarin discloses detecting removal of the medication from the dispenser by the patient (fig. 7).

Regarding claim 12, Yarin discloses detecting an identifier (fig. 7).

Regarding claims 13, 38, Yarin discloses a bar code (col. 6, lines 55-67).

Regarding claims 14, 39, Yarin discloses reading a radio frequency identification tag (col. 4, lines 45-52).

Regarding claim 15, Yarin discloses storing the identifier in a mediation log along with a time of removal (fig. 7).

Regarding claim 16, Yarin discloses transferring the log to the server upon a request (fig. 8-9).

Regarding claim 17, Yarin discloses determining a time limit.

Regarding claim 18, Yarin discloses accepting the mediation has expired and notifying the server (fig. 7-9).

Regarding claim 19, Yarin discloses notifying the user when a medication has been missed (fig. 7-9).

Regarding claim 20, Yarin discloses notifying the server when a medication has been missed (fig. 7-9).

Regarding claim 21, Yarin discloses notifying the user when the dispenser is empty (fig. 7-9).

Regarding claim 22, Yarin discloses notifying the user when the dispenser is empty (fig. 7-9).

3. Claims 24-27 are rejected under 35 U.S.C. 102(b) as being anticipated by O'Brien.

Regarding claim 24, O'Brien discloses a medication compliance system comprising a medication dispenser (fig. 1, 7), a cellular controller 1, 7, downloading instructions from a medication server through a local cellular communication system, and an audio/visual interface (fig. 3).

Regarding claim 25, O'Brien discloses a tablet.

Regarding claim 26, O'Brien discloses an audio transducer (fig. 5-6).

Regarding claim 27, O'Brien discloses a video display (fig. 5-6).

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Romano and Phipps teach medication compliance systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh V. La whose telephone number is (571) 272-2970. The examiner can normally be reached on Mon-Fri from 9:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ANH V. LA
PRIMARY EXAMINER

Anh V La
Primary Examiner
Art Unit 2636

AI
May 09, 2005